

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VALLEY FORGE INSURANCE

CASE NO. C 09-02007 SBA

Plaintiff(s),

v.

ZURICH AMERICAN INSURANCE

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- ✓ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____


The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

- ✓ other requested deadline 180 days from the date of the Order referring case to ADR

Dated: 7/22/2009

Dated: July 21, 2009



Attorney for Plaintiff



Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- ✓ Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

90 days from the date of this order.

X other SEE STIPULATION

IT IS SO ORDERED.

Dated: 8/4/09


UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I am a citizen of the United States, over the age of eighteen years, and not a party to the within action; my business address is Colliau Elenius Murphy Carluccio Keener & Morrow, Suite 600, 405 Howard Street, San Francisco, CA 94105.

On July 22, 2009, I served the foregoing document described as:

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

on the attorney(s) of record and/or interested parties in the case entitled Valley Forge Ins. Co. v. Zurich American Ins. Co., U.S.D.C., Northern District of California, Case No.: 4:09-CV-02007 SBA as follows:

Jonathan Gross, Esq.
Colin Adkins, Esq.
BISHOP, BARRY, HOWE, HANEY, &
RYDER
2000 Powell Street, Suite 1425
Emeryville, CA 94608
Tel: (510) 596-0888
Fax: (510) 596-0899

Attorneys for Defendant,
ZURICH AMERICAN INSURANCE
COMPANY

The document(s) were served by the following means:

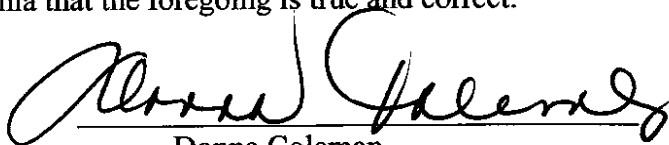
☐ **By PERSONAL SERVICE.** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the document in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of 8:00 a.m. and 6:00 p.m.

☐ **By UNITED STATES MAIL.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above; and (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid; or (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

- 1 ☐ **By OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package
2 provided by an overnight delivery carrier and addressed to the persons at the addresses
3 listed above. I placed the envelope or package for collection and overnight delivery at an
4 office or a regularly utilized drop box of the overnight delivery carrier.
- 5 ☐ **By MESSENGER SERVICE.** I served the documents by placing them in an envelope or
6 package addressed to the person at the address listed above and providing them to a
7 professional messenger service for service. *(A declaration by the messenger must
8 accompany this Proof of Service or be contained in the Declaration of Messenger below).*
- 9 ☐ **By FAX TRANSMISSION.** Based on an agreement of the parties to accept service by
10 fax transmission, I faxed the documents to the persons at the fax numbers listed above.
11 No errors were reported by the fax machine that I used.
- 12 ☒ **By ELECTRONIC TRANSMISSION.** I electronically transmitted the attached
13 documents to the Clerk of the Court using the ECF System for filing. Based on the
14 records currently on file, the Clerk of the Court will transmit a Notice of Electronic
15 Filing to the ECF registrants.

16 I am a resident or employed in the county where the mailing occurred. The envelope or
17 package was placed in the mail at San Francisco, California.

18 Executed on July 22, 2009, at San Francisco, California. I declare under penalty of perjury
19 under the laws of the State of California that the foregoing is true and correct.

20 
21 Donna Coleman